

TRANSLATION

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference K 1187 PCT	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2005/001468	International filing date (day/month/year) 14.02.2005	Priority date (day/month/year) 16.02.2004
International Patent Classification (IPC) or national classification and IPC B66F9/07		
Applicant KNAPP LOGISTIK AUTOMATION GMBH		

1.	This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of _____ sheets, including this cover sheet.
3.	This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>5</u> sheets, as follows: <div style="margin-left: 20px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input checked="" type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</div>
4.	This report contains indications relating to the following items: <div style="margin-left: 20px;"><input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application</div>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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Box No. I

Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
- ☐ This report is based on translations from the original language into the following language _____ which is the language of a translation furnished for the purposes of:
- ☐ international search (Rule 12.3 and 23.1(b))
- ☐ publication of the international application (Rule 12.4)
- ☐ international preliminary examination (Rule 55.2 and/or 55.3)
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-11 as originally filed/furnished
- pages* _____ received by this Authority on _____
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 1-17 received by this Authority on /Filed with the demand
- nos.* _____ received by this Authority on _____
- ☒ the drawings:
- sheets 1/7-7/7 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☒ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☒ the claims, nos. 1
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)	Claims <u>1-17</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-17</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-17</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)**1 Reference is made to the following documents:**

D1: DE 202 05 633 U1

D2: EP 1 193 194 A

D3: FR 2 294 979 A

D4: DE 195 34 291 A1

D5: CH 518 863 A

2 Independent claim 1:**2.1 PCT Article 33(2):**

Document D1 is considered to be the closest prior art. It discloses a storage and retrieval machine for transporting goods from or into a shelving unit in an order-picking installation, comprising a vertical mast and, connected to the mast, a longitudinal drive for longitudinally displacing and longitudinally positioning the storage and retrieval machine at an operating point of the shelving unit on the front or rear side of the shelving unit, wherein a height-adjustable goods receptacle is provided on the vertical mast.

The subject matter of independent claim 1 differs

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Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

from the storage and retrieval machine of D1 in that the mast is designed as an articulated mast and comprises at least one joint which allows the articulated mast to be deflected in the direction of the longitudinal displacement, and in that a guiding/resetting device having a pivoting linkage is provided at the deflectable longitudinal end of the articulated mast for stabilizing purposes, and this device, during a **guided** (see Box I) deflection of the articulated mast from the vertical normal position, returns the articulated mast, again in a guided manner, into the normal position.

The subject matter of claim 1 is therefore novel (PCT Article 33(2)).

2.2. PCT Article 33(3):

The problem addressed by the present invention can therefore be considered that of providing a simplified operating method for the exact positioning of a storage and retrieval machine, and a storage and retrieval machine which is suitable for that purpose.

D2 or D4 discloses a storage and retrieval machine in which the longitudinal positioning of the mast is performed by a second longitudinal drive. D2 also contains a device for stabilizing the mast.

D3 discloses a storage and retrieval machine comprising a tilting mast in which the inclination of the tilting mast is controlled, for example, by a

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hydraulic cylinder (see figure 3 or 6) at the pivoting point.

A guiding/resetting device for stabilizing purposes provided at the deflectable longitudinal end of the articulated mast is neither presented nor suggested by the available prior art.

The solution proposed in claim 1 of the present application for the stated problem involves an inventive step (PCT Article 33(3)) for these reasons.

2.3 Dependent claims:

Claims 2-17 are dependent on claim 1 and therefore likewise meet the PCT requirements for novelty and inventive step.

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of:

Box 1

The amendments submitted with the letter of 31 August 2005 introduce substantive matter which, contrary to PCT Article 34(2)(b), goes beyond the disclosure in the international application as filed. The amendments in the first claim are as follows:

- the word "guided" in the sentence "during a **guided** deflection of the articulated mast" has been deleted and
- has been replaced by the word "inertia-induced".

The feature whereby an articulated mast is deflected in a guided manner according to the invention was described as essential in the original disclosure. The replacement and deletion thereof introduce substantive matter which goes beyond the content of the application in the originally submitted version. Consequently, there is an infringement of PCT Article 34(2)(b).

Furthermore, the term "inertia-induced" in the original disclosure does not have any explicit basis, with the result that the replacement of "guided" by "inertia-induced" also contravenes PCT Article 34(2)(b).